

Notice of Allowability

Application No.

09/909,996

Examiner

Brian R. Gordon

Applicant(s)

COMTE ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4-21-04.
2. ☒ The allowed claim(s) is/are 1-4 and 6-15.
3. ☒ The drawings filed on 23 July 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David E Dougherty on July 9, 2004.

The application has been amended as follows:

Amend the Abstract as follows:

A device for processing samples of blood products contained in tubes (18) closed by ~~means of~~ bungs (20) and loaded into cassettes (12), includes ~~means of~~ transfer component (10) designed to individually move the cassettes (12) on a pre-determined path, ~~means of~~ agitation component (30) having at least one pick-up mechanism (32) capable of being actuated by driving component ~~means~~ (88) to pick up at least one selected tube (18) from a cassette (12) immobilised on the path, to move said tube away from the cassette, to agitate the tube and replace it in the cassette, and ~~means of~~ sampling component (34) designed to draw off a given sample quantity from the pre-agitated tube which has been replaced in the cassette.

Amend the claims as follows:

1. A device for processing samples of blood products contained in tubes which are closed by means of bungs and loaded into cassettes, ~~of the type having said device comprising:~~ means of agitation for agitating the tubes, ~~together with~~ and means ~~of~~ for sampling and collecting at least one sample from a pre-agitated tube, the improvement comprising: transfer means (10) for moving the cassettes (12) individually on a pre-determined path, means for immobilising the cassettes on said path and wherein the means of agitation (30) incorporates at least one pick-up mechanism (32) capable of ~~to~~ picking up at least one selected tube (18) from ~~the~~ one of the cassettes (12) immobilised on the path, ~~to remove~~ removing said at least one selected tube away from the one of the cassettes, ~~to agitate the~~ agitating said at least one selected tube and ~~to replace it~~ replacing said at least one selected in the one of the cassettes, and in that wherein the means for sampling ~~means~~ (34) includes at least one needle (148) to capable of drawing a given sample quantity from the at least one selected tube that has been pre-agitated and replaced in the cassette,

wherein the pick-up mechanism (32) or each such mechanism is capable of being driven in continuous rotation by a motor (88), thereby effecting continuous agitation by turning the tube through a complete revolution.

Cancel claim 5.

In each of the claims 2-4 and 6-15

Delete the first word "A" and insert the word --The--, so as to read:

A The device according to claim ...

Allowable Subject Matter

2. Claims 1-4 and 6-15 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not teach nor fairly suggest a device for processing samples of blood products contained in tubes which are closed by means of bungs and loaded into cassettes said device comprising: means of agitation for agitating the tubes, and means for sampling and collecting at least one sample from a pre-agitated tube, the improvement comprising: transfer means (10) for moving the cassettes (12) individually on a pre-determined path, means for immobilising the cassettes on said path and wherein the means of agitation (30) incorporates at least one pick-up mechanism (32) capable of picking up at least one selected tube (18) from one of the cassettes (12) immobilised on the path, removing said at least one selected tube away from the one of cassettes, agitating said at least one selected tube replacing said at least one selected in the cassettes, wherein the means for sampling (34) includes at least one needle (148) capable of drawing a given sample quantity from the at least one selected tube that has been pre-agitated and replaced in the cassette,

wherein the pick-up mechanism (32) or each such mechanism is capable of being driven in continuous rotation by a motor (88), thereby effecting continuous agitation by turning the tube through a complete revolution.

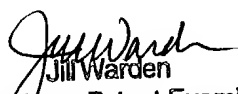
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is 571-272-1258. The examiner can normally be reached on M-F, with 2nd and 4th F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jill Warden
Supervisory Patent Examiner
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